

Current status of the law on wages in enterprises in Vietnam and some recommendations

Dr. Luong Quang Hien¹, MSc. Luong Thi Hong Hanh

¹*First Author and Corresponding Author,
Academy of Finance, Hanoi, Vietnam*

[Postal Address: Le Van Hien Street, Hanoi, 100000, Vietnam]

Abstract: Ensuring the legitimate rights and interests of employees is one of the important principles of labor law. To ensure that principle, one of the important contents related to the income and life of tens of millions of employees and their families is the legal regulations on wages. Therefore, wages must reflect the value of employees' labor power (quality, productivity...), basically ensure the lives of employees and their families, and reproduce labor power. However, the current state of labor law still has many shortcomings that need to be improved. The article focuses on clarifying the current status of the law on wages in enterprises in Vietnam and proposes some recommendations.

Keywords: Salary, enterprises, employees, labor law.

1. Introduction

The 6th National Congress of the Party in 1986 initiated the comprehensive reform of the country, first of all, economic thinking. Since that historical moment, Vietnam's economy has gradually shifted from a centrally planned mechanism to a socialist-oriented market mechanism. Along with that, many legal documents were issued, especially legal documents on the establishment, organization and operation of various types of economic organizations (enterprises) both state-owned and state-owned and business people. At the same time, one of the important contents in the organization and operation of the business sector is the issue of workers' wages, which is paid special attention. In 1994, the National Assembly of Vietnam promulgated the Labor Code, which took effect from January 1, 1995, and has been amended and supplemented several times in 2002, 2006, 2007, 2012, 2019. Institutionalization the Party's viewpoints, concretizing the 1992, revised 2001 and 2013 Constitutions on basic human rights in the field of labor, employment and labor management, creating a legal corridor, legal standards for subjects establishing labor relations, contributing to healthy labor relations, protecting the legitimate rights and interests of industrial relations subjects, contributing to promoting economic development in the country's socio-economic status in the Doi Moi period. However, the current state of labor law still has many shortcomings that need to be improved.

2. Results

In economics, wages are essentially the monetary expression of the value of the commodity labor power. In other words, wages are the price of the commodity labor power. From this perspective, wages are determined by the value of all means of subsistence necessary for production and production of labor power, to maintain the lives of workers and their families.

According to the Vietnamese Dictionary, "salary is a salary paid periodically, usually monthly, to workers and public employees". The advantage of this definition is that it indicates the payee and examines only one of the basic characteristics of salary (timely salary). However, these authors use a similar concept (wage) to explain the concept of salary is not reasonable.

Article 1 of the ILO Convention No. 95 (1949) on the protection of wages provides: "wage is remuneration or income, whatever the name or method of calculation, which may be expressed in monetary terms and is printed determined by an agreement between the employee and the employer (employer), or by national law, payable by the employer to the employee under a contract of employment, written or oral, for a job performed or will have to be performed, or for services already done or to be done". With this definition, the ILO has introduced basic signs to identify wages, including: 1) Wages are remuneration for labor; 2) The expression of salary is in cash; 4) Wages are fixed by agreement of the parties or by national law; 5) The reason that the employer must pay the employee's salary. From a legal perspective, it can be seen that this is a fairly comprehensive definition of salary. Labor laws of many countries have applied this definition flexibly, in accordance with the modern socio-economic conditions of their countries.

In Vietnam, the definition of salary is prescribed in Clause 1, Article 90 of the Labor Code 2019 as follows: "Wage is the amount of money that the employer pays the employee under an agreement to perform the job, including the salary according to the contract job or title, salary allowances and other allowances"

Thus, from a labor perspective, salary is understood as the amount that the employer must pay to the employee based on labor productivity, quality, work efficiency and working conditions, determined by agreement legally between the two parties in the labor contract or as prescribed by law. The above definition covers salary with basic components, including: salary by job or title, salary allowance and other supplements.

The nature of wages changes from time to time. From an economic perspective, the nature of wages depends on people's conceptions of labor power in the economy. In the previous centrally planned economic mechanism and subsidies in our country, with the view that labor power is not a commodity, our State only considers wages as a component of national income and distribution according to the plan directly for their workers and employees. With this concept, wages are only in the category of distribution, subject to the laws of distribution under socialism. Along with comprehensive innovation thinking when our country transitions to a socialist-oriented market economy, labor power is recognized as a commodity. With this concept, wage is the price of labor power, just as C. Marx wrote: "wage is just a proper name for the price of labor power, the price of such a unique commodity. . . a commodity that exists only in human flesh and blood." The current law of our country has adjusted wages in line with this view. Instead of specifying the detailed salary for each title and job, the State has determined that the agreement is the guiding principle of the entire salary system. Thus, at present, wages are not only in the category of distribution but also in the category of value and the category of exchange. From a legal perspective, wages represent the legal relationship between employees and employers. Wage is the amount of money that an employee is entitled to enjoy when he/she has performed his/her labor obligations on the basis of law and a lawful agreement between the two parties. On the contrary, salary is the employer's obligation to the employee in the labor relationship. In the content of regulating the law on labor relations in general and labor-remuneration relations in particular, the State sets the necessary legal standards to ensure the lawful source of income from employees' labor rent.

In the market economy mechanism, wages perform the following basic functions:

Firstly, the function of measuring the value of labor power. Wage is the price of labor power, determined by the value of labor power and affected by the law of supply and demand and competition in the labor market. The value of labor power is measured by the value of the living materials for the employee's life before, during and after the working process, which includes the value of the necessary expenses for the employee's life. . At each salary level paid to employees, the value of labor power is not the same.

Second, the function of reproduction of labor power. The reproduction of labor power is the content of social production in general. The wasted labor power in the labor process must be compensated and enhanced to meet the increasing requirements of the labor process. Wages paid to employees, in addition to simply compensating for the loss of labor, must also ensure improvement of life (material and spiritual), improve skills, etc. for employees. In addition, in the salary structure, it is necessary to spend a reasonable amount for supporting the employees' families, accumulating provisions for the long-term life of themselves and their families. In other words, wages must perform a simple and extensive reproduction function (or reproducibility in quantity and quality of labor).

Third, the stimulus function. Along with the constant stimulation to improve labor productivity, salary is also a factor that stimulates the improvement of labor relations.

Fourth, the accumulation function. Wages not only ensure the daily life of employees, but also have a part to accumulate provisions for long-term life or to prevent risks and uncertainties.

Contents of the current labor law provisions on wages in enterprises in Vietnam. Regarding the minimum wage: In Vietnam, wage regulations not only reflect social relationships but also factors directly related to the lives of employees and their families. Currently, the Labor Code 2019 stipulates: "Minimum wage is the lowest salary paid to employees doing the simplest jobs under normal working conditions in order to ensure a minimum standard of living for employees and their families, in accordance with the conditions of socio-economic development". Accordingly, it can be understood that the minimum wage is used to pay employees for jobs that require the simplest level of labor, the lightest labor intensity, takes place in normal working conditions and is used for the most part used to determine the salaries, allowances and other additional payments for employees. Previously, according to the provisions of the Labor Code 1994 and related documents, the minimum wage had three types: the general minimum wage, the regional minimum wage and the industry minimum wage. After that, the Labor Code 2012 gave a definition of the minimum wage, and at the same time stipulating the minimum wage including regional minimum wages, industry minimum wages and no longer use the common minimum wage concept as before[7]. Up to now, Clause 2, Article 91 of the Labor Code 2019, stipulates: The minimum wage is the lowest salary paid to employees doing the simplest jobs under normal working conditions in order to ensure a minimum standard of living. of employees and their families, suitable to the conditions of socio-economic development. Minimum wages are set by region, set by month and hour. Therefore, according to current regulations, the salary applied to employees in our country is the regional minimum wage. Accordingly, the regional minimum wage is understood as the lowest level as a basis for employers and

employees to negotiate and pay wages according to certain geographical areas. In which the salary paid to employees working in normal working conditions, ensuring enough normal working hours in a month and completing agreed labor norms or jobs. This is the salary level applied to each certain territory, taking into account the specific factors of that territory such as socio-economic conditions, level of economic development, average income level, etc. per capita income of each region, the general minimum expenditure level of the region and other relevant factors such as working conditions, geographical factors. Currently, the regional minimum wage is adjusted year by year through a system of Decrees issued by the Government. Areas applying the regional minimum wage are regulated that the regional minimum wage must not be lower than the regional minimum wage for employees doing the simplest jobs and be at least 7% higher than the minimum wage regions for employees doing jobs requiring employees who have undergone vocational training or vocational training.

About salary scale, salary table and building labor norms

The construction of a system of salary scales, salary tables and reasonable determination of salary-based allowances must derive from different characteristics in each profession and in each working condition. Specifically, Article 93 of the Labor Code 2019 provides:

1. Employers must develop a salary scale, wage table and labor norms as a basis for recruiting and employing employees, agreeing on a salary level according to the job or title stated in the labor contract and paying wages for workers.
2. The labor level must be the average level to ensure that the majority of employees can do it without prolonging the normal working hours and must be tested before it is officially issued³. The employer must consult with the employee representative organization at the grassroots level for the place where the representative organization is located when formulating the salary scale, wage table and labor norms.

Salary scale, salary table and labor level must be publicly announced at the workplace before implementation

Wages for working overtime and working at night: n Overtime wages, working at night are specified in Article 98 of the Labor Code 2019, as follows:

- Employees who work overtime are paid according to the salary unit price or the actual salary paid according to the work they are doing as follows: On weekdays, at least equal to 150%; On weekly rest days, at least 200%; On public holidays, New Year's Day, paid leave, at least equal to 300%, excluding the salary for holidays, New Year's Day, and paid leave for employees receiving daily salary.
- Employees who work at night are paid at least 30% of the salary calculated according to the salary unit price or the actual salary paid according to the work of the normal working day.
- Employees who work overtime at night, in addition to paying the salary as prescribed, the employee is also paid an additional 20% of the salary calculated according to the salary unit price or the salary according to the work done during the day of the normal working day or of the employee. Weekends or holidays, New Year's Day.

Salary increase, promotion, allowances and allowances. Salary increase, promotion, allowances, allowances and incentive regimes for employees are agreed upon in the labor contract, collective labor agreement or regulations of the employer.

Wage allowance is an amount to compensate for factors of working conditions, the complexity of the job, living conditions, the level of labor attraction that have not been taken into account or are not fully included in the salary according to the job specific job. Compensating for factors of working conditions, including jobs with arduous, hazardous or dangerous elements or particularly heavy, hazardous or dangerous work. Including regimes such as: allowances for heavy, hazardous and dangerous work. Offsetting factors of job complexity such as jobs requiring training time, professional qualifications, high responsibilities that affect other jobs, seniority and experience requirements, working ability... Compensating for factors of living conditions, such as work performed in remote areas, areas with difficult or extremely difficult socio-economic conditions, areas with harsh climates, etc. including regimes such as: regional allowance'. Compensating factors to attract labor, such as encouraging workers to work in new economic zones; occupations, jobs are less attractive; encourage employees to work with higher productivity, work quality or meet the assigned work schedule. Including regimes such as regional attraction allowance; Article 104 of the Labor Code 2019 provides for "Bonus" instead of "Bonus" like the old Code. Accordingly, the concept of bonus is also expanded, which can be money or property or in other forms based on production and business results and the level of work completion of employees. Specifically: Bonus is the amount of money or property or in other forms that the employer rewards to the employee based on the production and business results, the job completion level of the employee [22].

Bonuses have a strong stimulating effect on employees to strive and be creative in the working process, ensuring fairness in salary payment. In fact, many businesses now use the bonus scheme as a strategy to stabilize the local workforce, attract good employees and develop the quality of the workforce in the unit, creating a competitive edge in the market. . Whether to reward employees or not is the employer's right, how to reward is decided by the employer and publicly announced at the workplace in the Bonus Regulations after consulting with the employee's representative organization at the establishment for the employer. There is a representative organization of employees at the facility

Regulations on salary payment: Regulations on the principle of salary payment. Employers must pay wages directly, in full and on time to employees. In case the employee cannot receive the salary directly, the employer may pay the salary to the person legally authorized by the employee. Previously, this content was not specified in the 2012 Labor Code, allowing employees to authorize others to receive wages is suitable for many practical situations, especially in cases where employees are ill or have accidents that cannot be met directly receiving salary from the employer must not limit or interfere with the employee's right to self-determination of salary expenditure; Employees are not allowed to force employees to spend their salaries on the purchase of goods or services of the employer or other units designated by the employer.

Regulations on forms of salary payment: Depending on the nature of work and requirements of the labor, production, business and task performance process, the employer can choose different forms of payment among them the forms of salary payment are specified in Clause 1, Article 96 of the Labor Code 2019. Specifically, the employer and employee agree on the form of time-based, product- or contract-based salary payment based on the actual working time of the employee to pay salary [24]. In theory, the time unit for calculating wages can be years, months, weeks, days or hours. The most common is the monthly salary Product pay is a form of salary payment based on the salary and product quality that the employee performs to determine the salary level [25]. To apply this form effectively, the employer must reasonably and accurately determine the level of labor and the unit price of products delivered to the employee. In fact, there are many forms of payment by product such as: pay for individuals, groups, and teams.

Salary payment is a form of salary payment based on the volume, quality of work and the contracted time that the employee must complete the work to determine the salary level. This form of payment is usually applied in cases where, due to the nature of the job, it is not possible to assign labor norms to each employee per unit of seasonal time, but must assign the entire work volume or labor norm. Over time, it will not be as effective as a contract. The method of paying wages according to Clause 2, Article 96 of the Labor Code 2019 is flexibly regulated, in line with current practical requirements: Salary is paid in cash or in cash. pay through the employee's personal account opened at the bank. The choice of payment method is freely agreed upon by the employee and the employer and is recorded in the labor contract. In case the salary is paid through the employee's personal account opened at the bank, the employer must pay the fees related to the account opening and salary transfer. This regulation aims to clarify the responsibility of the employer in paying bank fees, service fees, and ensuring income for employees.

Regulations on salary payment term: The payment term is determined differently depending on the type of salary payment

- ❖ Time-based wages (monthly, weekly, daily or hourly) are paid to employees who receive salary over time, based on actual working time by month, week, day, and hour, specifically:
 - Monthly salary is paid for a specified working month on the basis of labor contract
 - Weekly wages are paid for a specified work week on the basis of monthly wages multiplied by 12 months and divided by 52 weeks
 - Daily salary is paid for a working day determined on the basis of monthly salary divided by the number of normal working days in the month (calculated on a calendar month basis and ensuring the employee is entitled to leave on average for at least 01 month). 04 days) in accordance with the law that the enterprise chooses;
 - Hourly wages are paid for a determined working hour on the basis of daily wages divided by the number of normal working hours in a day in accordance with the Labor Code.
- ❖ Product-based wages: paid to employees who are paid by product, based on the level of completion of quantity and quality of products according to labor norms and assigned product unit prices.
- ❖ The flat salary is paid to employees who receive a fixed salary, based on the volume, quality of work and the time to be completed.

Based on the above-mentioned forms of payment, the nature of the job and the conditions of production and business, the employer chooses the form of payment to ensure that the salary is paid in association with the work results, and encourages the employees to improve their efficiency. , labor productivity. The selection or change of the form of salary payment must be reflected in the labor contract and collective bargaining

agreement. Employees receiving hourly, daily and weekly wages shall be paid after the hour, day, or week of work or shall be paid in a lump sum as agreed by both parties, but must be paid in lump sum for at least 15 days. Employees receiving monthly salary are paid once a month or semi-monthly (the time is agreed upon by the two parties). Employees who are paid by product or by contract are paid according to the agreement of the two parties and must be fixed at a cyclical time; if the work must be done for many months, the monthly salary will be advanced according to the volume of work done in the month. Where due to force majeure, the employer has sought all remedies but cannot pay wages on time, it must not be more than 30 days late; If the salary is paid late by 15 days or more, the employer must compensate the employee an amount at least equal to the interest of the late payment amount calculated at the interest rate on mobilizing deposits with a term of 1 month by the bank where the employer opens the account. Salary payment for employees announced at the time of salary payment

3. Comment

Evaluation of the current legal provisions on wages in enterprises in Vietnam.

Firstly, the system of legal regulations on wages in enterprises has a history of formation in accordance with the situation and conditions of the country through each period, increasingly keeping up with and reflecting relatively well the reality of customers the importance and nature of wages - the price of workers' labor power. At each stage of the country's development, this legal system has improved, better and better meeting the requirements of state management, and at the same time, relatively well meets the requirements of both within the employment relationship. The system of legal provisions on wages in enterprises closely follows the lines, guidelines and policies of the Communist Party in each period, reflecting objectivity, science, and deep concern of the Party and State to the development of a system of legal regulations on wages in enterprises

Secondly, the system of legal documents on salary in enterprises is relatively diverse, massive and rich, reflecting the timely legislative process to meet the requirements and requirements of reality. Legislative and regulatory agencies work actively and proactively in reviewing, promptly promulgating, amending and supplementing legal regulations in this field. The number of legal documents on the field of salary in enterprises, which are diverse and abundant, issued by many competent agencies is an advantage, but also a limitation, which will be presented by the PhD student later. That is, the system of agencies to organize the implementation of the labor law on wages is increasingly complete, meeting the state management of labor and wages in enterprises, contributing to protecting the interests of employees, promptly remove obstacles, conflicts and disagreements between the parties about wages and salary-related contents in the enterprise wages in enterprises are more and more adequate and scientific, linking the law on wages with factors of production and corporate governance. In addition to the mandatory provisions, the law also creates democratic mechanisms for the parties in the labor relationship to participate in negotiations, decide or recommend to the State and state agencies to approve and approve the Salary issues and salary-related issues in the business.

4. Limitation

Through studying the provisions of the labor law on wages, the author found that there are still some limitations and obstacles as follows:

Firstly, the current minimum wage setting is still based on criteria that have been developed over the years. Therefore, the minimum wage policy has revealed some limitations.

The bases for calculating and adjusting the minimum wage in our country are still not objective, many criteria are subjectively evaluated, in each adjustment through the tripartite mechanism in the National Wage Council, the level of debate is still fierce, the concessions of the parties are still low

For the regional minimum wage, the Government takes the basis of the district-level administrative area as the analysis criterion and divides it into four regions, which are not suitable and fragmented. In fact, the factors affecting minimum wages, minimum living standards and statistical indicators such as consumer prices (CPI), labor productivity, average wages... All are calculated in units provincial level. It leads to inequality when the districts are located in the area with the same economic conditions, prices and living standards, but they are divided into two different salary zones. In fact, there are many localities where the border between the two salary zones is just one road, one river, the same price of services and living conditions, but two different minimum wages. Therefore, it is advisable to reduce the region within a province, or to partition wages by province, not by district; or the whole country shares a region, but has a regional allowance, has a regional coefficient

There is no regulation on the hourly minimum wage, so the minimum wage does not cover and protect part-time workers. The composition, functions and operating mechanism of the National Wage Council are still limited and need to be further improved to suit the process of integration and participation in international agreements. In regional and global dynamics, the regulation and use of low or moderate minimum wages as a basis for attracting foreign investment is no longer an attractive proposition for investors. A low or moderate

minimum wage means that it reflects the quality of labor, the quality of human resources is not high, and labor productivity is low or at an average level. The workers themselves do not know how to make their own wage demands that are suitable for them, while there may be conditions to make such demands.

Secondly, the adjustment of regional minimum wage increases in 2020 and past years will not have a great impact. Although, the adjustment plan has taken into account the expected cost-of-living compensation of about 3.5%-4% to ensure the actual wages for employees, in line with labor productivity (improved by the level of labor productivity) increase social labor productivity about 1.5%-2%), economic growth. Therefore, increasing the regional minimum wage by at least 10%/year will have a partial impact on improving the lives of employees, according to a survey of 2,000 enterprises by the Ministry of Labor, Invalids and Social Affairs, in the year. In 2019, the lowest average salary that businesses actually pay is about 8%-12% higher than the regional minimum wage prescribed by the Government. The lowest average salary in the first quarter of 2019 is 4,130,000 VND/month, of which region 1 is 4,670,000 VND/month, region 2 is 4,010,000 VND/month, region 3 is 3,590,000 VND/month and Region 4 is 3,230,000 VND/month. Thus, the fact that businesses are paying higher than the regional minimum wage prescribed by the Government in 2019, so the adjustment of the regional minimum wage is about 5%/year, mainly affecting the cost of paying social insurance. After calculating, based on the impact of the minimum wage on labor costs according to the survey results of the Ministry of Labor, Invalids and Social Affairs, the estimated labor costs of enterprises in 2019 compared to In 2018, the overall average increase was 0.49%. As such, the increase is not high, so the increase in regional minimum wages in recent years has not met the current reality of workers' lives. Besides, the regional minimum wage in Vietnam is among the lowest in the world. ASEAN.

Thirdly, for the construction of the salary scale, salary table. Salary scale up to now, the salary scale has always been understood as the salary levels of employees based on their training level and working seniority, which means that each salary level is a certain coefficient, enterprises and employees are not affected by the salary scale. The employer pays the employee's salary by multiplying that coefficient by the minimum wage set by the National Wage Council and the Government promulgating the Decree.

Salary table Salary table is developed by enterprises and employers on the basis of agreement with employees and workers' collectives, based on salary scale, salary grade or salary coefficient. The salary table shows the division and difference between the ladders, levels, seniority, and complexity of each industry. To encourage workers, payroll often shows certain incentives for groups of jobs that require a high level of expertise, skills, labor skills or labor productivity.

The promulgated salary scale system has not yet fully anticipated the development of industries, the advancement of technology and techniques of industries when the economy changes to a market economy, the salary levels in the wage scales are not fully anticipated salary, payroll only accounts for 25 - 30% of the employee's actual salary. This salary is only the main role for businesses to calculate the amount of payment or enjoy social insurance, health insurance and other benefits in accordance with the labor law. The arrangement of salary levels in a tier and the difference between the ranks also has many unreasonable points. As a rule if applicable type whether the rank has many ranks, the difference in salary between the ranks is not much and the time to raise the rank is short. If applying a low-ranking rank, the salary difference between the ranks is very significant and the time to step up will be long. The time to level up is considered short, maybe 3 months, 6 months, while the time to level up is considered as long as 1 to 2 years. In fact in our country, it seems that this principle is not followed because currently the number of ranks in the ranks is many, the difference between the ranks is low, but the time to be upgraded is long. It used to be 3 to 5 years and now it is 2 to 3 years. That negatively affects the psychology of employees and shows the unreasonableness of the current salary regulations.

Fourth, for the principle of building labor norms. Labor norms are a matter of great concern of the State, through the regulation and control of labor norms for a number of labor occupations in the public sector, the State also conducts close supervision. for labor norms prescribed by enterprises within the enterprise. On the basis of stipulating principles and bases for setting labor norms, state agencies have contributed to minimizing the imposition, even exploitation of labor power of workers. However, in reality, there are still some enterprises, especially in foreign-invested enterprises, the situation of applying high labor norms to employees is still very sophisticated and complicated complex.

5. Some recommendations to improve the law on salary

Firstly, it is necessary to promulgate the Law on wages in enterprises soon. According to research, many countries around the world have enacted wage laws, taking this issue seriously enough to raise the level of regulation with a highly legal document. In Vietnam, in order to accelerate the process of democracy in all aspects of life, including labor relations, promote the ability to criticize policies and laws, and make labor relations healthy. Currently, it is to put the draft Law on wages in enterprises on the agenda of the National

Assembly and it is necessary to pass and promulgate this document, creating a legal basis for the issue of wages in enterprises to become a Content plays a great and important role in building a healthy and transparent working environment.

The National Assembly needs to study and pass a legal document called: Law on wages (regulatory scope: in enterprises). In which, it is necessary to specify the contents:

- The scope of regulation of the Law on salary in enterprises is all types of enterprises, agencies, organizations and individuals that employ employees through labor contracts.
- The subject of regulation of the Law on salary is salary in various types of enterprises, agencies, organizations and individuals that employ employees through labor contracts.
- Regulations on organizational principles, ensuring that the parties in the labor relationship operate in accordance with the principles and purposes, contributing to building a socialist rule of law state, promoting democracy, and strengthening the rule of law. Socialist;
- Regulations on the basis for building the salary scale, payroll, labor norms, ensuring democracy, equality and voluntariness, excluding any imposition and interference from any individual, organization or institution which agency.
- Regulations on the basis for formulating and adjusting the minimum wage, which requires publicity, transparency and closeness to reality.
- Regulations on the establishment, composition and operation of the National Wage Council, criteria and principles for establishing the organization, and stipulating the responsibilities of its members.

Second, it is necessary to amend some principles for building salary scales and payrolls. According to the current law, the employer must develop a salary scale and salary table on the basis of the principles prescribed by the Government as a basis for recruiting, employing employees, agreeing on the salary specified in the regulations in the labor contract and pay wages to employees. When formulating the salary scale and payroll, the employer must consult the representative organization of the labor collective at the grassroots level and publicly announce it at the employee's workplace before implementation and send it to the district-level labor State management agency where the employer's production and business establishments are located [Article 93 of the 2012 Labor Code]. In the process of implementing regulations on salary scale and payroll, in fact, some problems have arisen as follows: (i) Enterprises lose a part of their autonomy in production and business when the salary scale, salary table must comply with the principles prescribed by the State. These principles have points that are inconsistent with the reality of enterprises and the agreed upon nature of labor relations in the market economy. In many enterprises, the promulgation of salary scales and payrolls is only for the purpose of dealing with state agencies so as not to be penalized when there is an inspection and examination. In fact, the payment of wages to employees in the enterprise is almost not based on the salary scale and salary table, but mainly on the agreement of the parties and other internal documents on wages such as the payment regulations wage. (ii) Stipulating that the employer must consult the representative organization of the labor collective at the grassroots level when developing the salary scale and payroll is not appropriate because the construction of the wage mechanism in the enterprise is not appropriate rights of the employer. At the same time, in principle, the lowest salary in the salary scale, the salary table must not be lower than the regional minimum wage prescribed by the Government, so the benefits of the employee's salary are guaranteed. In fact, the salary level in the salary scale and payroll is only the basis for the employee and the employer to agree on the salary stated in the labor contract, in many cases the agreed salary is even higher than the salary level fixed in the salary scale, payroll of the enterprise. Therefore, it is recommended to remove the requirement for the participation of the representative organization of the labor collective when developing the salary scale and salary table.

Third, amend, supplement and complete a number of legal regulations closely related to wages in enterprises. Reviewing legal documents such as the Labor Code, the Enterprise Law, the Law on Government organization, the Law on Organization of Local Government, the Decrees on the organization and operation of units and agencies. ... In order to find out the unreasonableness of salary work for employees under the labor contract mechanism, from which there is a plan to adjust and amend those regulations accordingly. Reviewing and making statistics of documents issued by the Government and ministries related to wages in enterprises in order to unify a number of contents on the competence to guide the implementation and application of the law on salary in enterprises strengthen the authority of specialized ministries to unify the inspection and supervision of the organization and implementation of enterprises.

Fourth, study and issue guidelines on the development of salary scales, wage tables and labor norms. Labor norms are a factor for employers to fully exploit the labor power of employees in order to optimize labor productivity, on that basis, to obtain cheap labor. With the diversity and abundance of occupations, labor norms must also adhere to that practice for research. The following three main criteria can be taken into account when researching guidelines for setting labor norms.

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